

RETURN DATE: NOVEMBER 26, 2019

COMMISSION ON HUMAN RIGHTS  
AND OPPORTUNITIES

v.

EDGE FITNESS, LLC, ET AL.

SUPERIOR COURT

J.D. OF NEW BRITAIN

AT NEW BRITAIN

OCTOBER 22, 2019

**PETITION OF ADMINISTRATIVE APPEAL**

To the Superior Court for the Judicial District of New Britain at New Britain comes now the Commission on Human Rights and Opportunities ("Commission"), which has exhausted all requisite administrative remedies and is aggrieved by a final decision of a Human Rights Referee of the Commission, and which appeals therefrom pursuant to Conn. Gen. Stat. § 46a-94a and in accordance with Conn. Gen. Stat. § 4-183.

In support thereof, the Commission complains and states:

1. The plaintiff Commission is an agency of the State of Connecticut, charged with duties that include the receipt, mediation, investigation, conciliation, and prosecution of complaints alleging discriminatory practices pursuant to Chapter 814c of the Connecticut General Statutes.
2. In bringing this appeal, the plaintiff Commission acts through the office of its legal counsel, which is responsible for prosecuting complaints of discrimination on behalf and in the interest of the people of the State of Connecticut, and which is charged by Conn. Gen. Stat. § 46a-55 with representing the Commission in legal proceedings involving such complaints.
3. The first defendant is Edge Fitness, LLC ("Edge Fitness"), the respondent in one of the underlying actions, to which the defendant Commission transmitted notice of the final decision via email to its attorney. Edge Fitness is a nominal defendant

which the plaintiff Commission is required by Conn. Gen. Stat. § 4-183 to make a party to this appeal and serve with a copy of this petition.

4. The second defendant is Club Camel Inc. Bloomfield d/b/a Club Fitness (“Club Fitness”), the respondent in the other underlying action, to which the defendant Commission transmitted notice of the final decision via email to its attorney. Club Fitness is a nominal defendant which the plaintiff Commission is required by Conn. Gen. Stat. § 4-183 to make a party to this appeal and serve with a copy of this petition.
5. The third defendant is the Commission, which in this case acted through Human Rights Referee Michele C. Mount (“Referee Mount”) in issuing the final decision from which this appeal is taken. The Commission’s place of business is located at 450 Columbus Boulevard, Hartford, CT 06103.
6. The fourth defendant is Daniel Brelsford, the complainant in the underlying action against Edge Fitness, to whom the defendant Commission failed to transmit notice of the final decision. Brelsford is a nominal defendant whom the plaintiff Commission is required by Conn. Gen. Stat. § 4-183 to make a party to this appeal and serve with a copy of this petition.
7. The fifth defendant is Alex Chaplin, the complainant in the underlying action against Club Fitness, to whom the defendant Commission failed to transmit notice of the final decision. Chaplin is a nominal defendant whom the plaintiff Commission is required by Conn. Gen. Stat. § 4-183 to make a party to this appeal and serve with a copy of this petition.
8. On January 22, 2016, Chaplin filed a complaint with the Commission against Club

Fitness. Although the complaint best speaks for itself, it charged that Club Fitness, a place of public accommodation, discriminated against Chaplin on the basis of his sex in violation of Conn. Gen. Stat. § 46a-64(a) by offering a separate workout area exclusively for women.

9. On September 27, 2016, Brelsford filed a complaint with the Commission against Edge Fitness. Although the complaint best speaks for itself, it charged that Edge Fitness, a place of public accommodation, discriminated against Brelsford on the basis of his sex in violation of Conn. Gen. Stat. § 46a-64(a) by offering a separate workout area exclusively for women.
10. Following early legal intervention pursuant to Conn. Gen. Stat. § 46a-83(e), determinations were made that the complaints against Edge Fitness and Club Fitness should each be heard at public hearing. Referee Mount was assigned to preside over and decide each case.
11. On January 30, 2018, the defendant Commission, through Referee Mount, determined that the complaints against Edge Fitness and Club Fitness should be heard together.
12. The combined hearing for the complaints against Edge Fitness and Club Fitness took place on October 4, 2018 and January 16, 2019. Briefing followed.
13. On October 17, 2019, the defendant Commission, through Referee Mount, issued a final decision as to the complaints against Edge Fitness and Club Fitness. Despite plain and unambiguous statutory language, it was found that the women-only workout areas maintained by Edge Fitness and Club Fitness did not violate Conn. Gen. Stat. § 46a-64(a).

14. The plaintiff Commission has exhausted all requisite administrative remedies and is aggrieved by the final decision of the defendant Commission in that the improper application of the law to these complaints will, if not corrected, thwart the plaintiff Commission's statutory mandate of enforcing Connecticut's civil rights and antidiscrimination statutes, in these cases as well as in those to come.

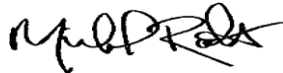
15. The decision of the defendant Commission, through the Human Rights Referee, has substantially prejudiced the rights of the plaintiff Commission in a manner proscribed by Conn. Gen. Stat. § 4-183(j).

**WHEREFORE**, the Commission requests that:

1. This appeal be sustained;
2. The Court remand this case to the Commission for further proceedings; and
3. The Court grant such other and further relief as it deems just and proper.

**COMMISSION ON HUMAN RIGHTS  
AND OPPORTUNITIES**

By: \_\_\_\_\_



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## **CERTIFICATION**

I certify that a copy of the foregoing will be served by United States mail sent certified, postage prepaid, return receipt requested, to the following:

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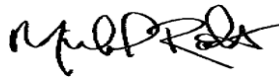
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